



Reciprocal Beneficiaries Relationship in Vermont

QUESTIONS & ANSWERS:

The Reciprocal Beneficiaries Relationship provides certain benefits and protections, along with certain responsibilities, that are granted to spouses in a marriage or civil union.

Who can establish a Reciprocal Beneficiaries Relationship in Vermont?

To establish a Reciprocal Beneficiaries Relationship (RBR) in Vermont, you must:

- be at least 18 years of age
- be competent to enter into a contract
- not be party to another reciprocal beneficiaries relationship, marriage or civil union
- be related by blood or adoption to the other party to the proposed RBR
- be prohibited from establishing a marriage or a civil union with the other party to the proposed RBR
- consent to the reciprocal beneficiaries relationship without force, fraud or duress

What blood relatives are prohibited from establishing a marriage or a civil union with each other in Vermont?

Vermont does not allow marriage or civil unions between most close relatives. You cannot marry or enter a civil union with a parent, grandparent, sister, brother, child, grandchild, niece, nephew, aunt or uncle.

How do I establish a Reciprocal Beneficiaries Relationship?

Two people who are eligible to form a reciprocal beneficiaries relationship may establish one by presenting a signed, notarized *Declaration and Certificate of Establishment of Reciprocal Beneficiaries Relationship* to the Vermont Department of Health and paying a filing fee of \$10.00. You can get the declaration form from the Health Department (see address and telephone number below). Mail the completed declaration, along with a money order or certified check for \$10.00, payable to the Vermont Department of Health, to the Vital Records Unit at the address shown below. You may also deliver the completed declaration and filing fee in person to the Vital Records Unit (3rd floor). When your declaration is filed and the fee paid, you will receive a certificate showing that the declaration was filed.

How do I end a Reciprocal Beneficiaries Relationship?

Either party to a Reciprocal Beneficiaries Relationship can legally end that relationship by filing a signed and notarized *Declaration and Certificate of Termination of Reciprocal Beneficiaries Relationship* with the Vermont Department of Health and paying a \$10.00 filing fee. When the termination form is filed and the fee paid, each party to the reciprocal beneficiaries relationship will receive a certificate showing that this legal relationship has ended. A reciprocal beneficiaries relationship automatically terminates by law if either party enters into a valid civil union or marriage.

You can get a *Declaration of Termination* form from the Health Department. Mail the completed, signed and notarized form, along with a money order or certified check for \$10.00 payable to the Vermont Department of Health, to the Vital Records Unit at the address shown below. Or, you can deliver the completed, signed and notarized termination form and filing fee in person to the Vital Records Unit (3rd floor).

What benefits, protections and responsibilities are associated with a RBR?

People who have established a Vermont Reciprocal Beneficiaries Relationship with each other have the following benefits, protections and responsibilities under Vermont law:

Hospital Visits/Health Care Decisions: A hospital patient's reciprocal beneficiary has the same rights as a spouse with respect to visitation and making health care decisions for the patient.

Anatomical Gifts: If your reciprocal beneficiary dies, you may make an anatomical gift of all or part of his or her body for an authorized purpose, unless he or she has legally refused to make an anatomical gift and has never "revoked" that refusal.

Disposition of Remains: If your reciprocal beneficiary dies, you have the same rights as a spouse regarding his or her remains under Vermont's "deaths, burials and autopsies" law.

Durable Power of Attorney/Terminal Care Document: A person's reciprocal beneficiary *cannot* serve as a witness to the person's durable power of attorney for health care or terminal care document.

Patients' Bill of Rights: Under Vermont law, a hospital patient has the right to obtain, from the physician in charge of the patient's care, complete and current information concerning diagnoses, treatment, and any known prognosis in terms the patient can reasonably be expected to understand. If the patient consents, or if the patient is incompetent or unable to understand, a reciprocal beneficiary may also obtain this information. When it is not medically advisable to give such information to the patient, the information must be made available to the patient's reciprocal beneficiary. Whenever possible, reciprocal beneficiaries have the right to stay with terminally ill patients 24 hours a day.

Nursing Home Residents' Bill of Rights: A reciprocal beneficiary of a nursing home resident is entitled to receive copies of the nursing home's policies and procedures. The reciprocal beneficiary must also be assured of privacy for visits with the resident. If both are residents of the same facility, they are permitted to share a room.

A nursing home resident's reciprocal beneficiary has the right to organize, maintain, and participate in either resident or family councils or both. A nursing home resident and the resident's family, including the resident's reciprocal beneficiary, have the right to review current and past state and federal survey and inspection reports of the facility and, upon request, to receive a copy of any report from the facility. The rights and obligations established by Vermont's Nursing Home Residents' Bill of Rights Law apply to a resident's reciprocal beneficiary.

Abuse Prevention: A reciprocal beneficiary is considered a family member under Vermont's Abuse Prevention Law.

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